



DATE:	September 19, 2016
APPROVED BY:	David J. Radachy, Secretary

## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**August 30, 2016**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Morse called the meeting to order at 5:30 p.m.

### **ROLL CALL**

Mr. Radachy took a roll call attendance and the following members were present: Messrs. Brotzman, Martin (Alt. for Troy), Morse, Valentic, Zondag and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel was not present. Planning and Community Development Staff present were Mr. Radachy and Ms. Myers.

### **MINUTES**

#### July 26, 2016 Minutes

Ms. Hausch moved and Mr. Martin seconded the motion to approve the July 26, 2016 minutes as submitted.

Six voted "Aye".

### **FINANCIAL REPORT**

Mr. Radachy reported that the office has a new copier and a new projector. The copier was an exchange and incurred no extra cost. The cost of the new projector was split between CDBG and the Planning Commission. The new projector's cost was about \$658.00.

Mr. Zondag moved and Mr. Valentic seconded the motion to accept the July 2016 Planning Commission and Workforce Development Financial Report as submitted.

Six voted "Aye".

## PUBLIC COMMENT

There was no public comment.

## LEGAL REPORT

There was no legal report. Mr. Radachy had contacted the Prosecutor and said there were only two zoning items on the agenda and saw no need for legal counsel to be present tonight.

## DIRECTOR'S REPORT

Mr. Radachy gave the following report:

- Monica Jordan has resigned from her position as Planner 1. Her last day was last Friday. The County Commissioners have authorized hiring another Planner 1. The position was posted on August 19, 2016 and is open for another two weeks. We have received 12 resumes so far.

Mr. Zondag asked to have a resolution passed at the next meeting indicating that the members were glad to have had Ms. Jordan on the Board as long as they had. He also requested Mr. Radachy to take a look at the past resume submissions.

- Mr. Morse was reappointed to the Planning Commission this month.
- The County Commissioners were currently trying to fill the two open spots on the Planning Commission. The quorum, however, still remains at six people because the Commission is an 11-person board regardless if all the seats are filled.
- Mr. Radachy attended the County Commissioner's Directors Association meeting on August 9.

Mr. Brotzman arrived at 5:38 p.m.

## ANNOUNCEMENTS

Mr. Radachy stated that a press release included in tonight's handout announces a public meeting on September 22, 2016 at the Holden University Center of Lakeland Community College from 6:30 – 7:30 p.m. An Assessment of Fair Housing must be done according to Federal Law in order to maintain our Community Development Block Grant status. He asked everyone to complete an Assessment of Fair Housing (AFH) survey at [www.surveymonkey.comr/AFHCommunity](http://www.surveymonkey.comr/AFHCommunity) to help in this endeavor.

Mr. Zondag asked if we were trying to encourage a broad population to take this survey and Mr. Radachy answered in the affirmative and said this survey was open to everyone.

Ms. Pesec asked that this be emailed to the members.

Mr. Morse asked staff to make a copy of the survey and make sure members without a computer received one.

## SUBDIVISION REVIEW

There were no subdivisions submitted for review this month.

### Subdivision Activity Report

Mr. Radachy presented the following subdivision activity report:

- The Estates of Kallay Farms, Phase 1, Improvement Plans have been accepted by the Commissioners. The Developer has scheduled a pre-construction conference on September 6, 2016. Construction will begin soon.
- Summerwood, Phases 4D and 4F were recorded last week. That leaves four lots in that section of Summerwood left to be recorded. These were the lot split plats that have been filed one at a time.
- Stoneridge, Phase 1, just completed 18 lots of the 54-lot subdivision. There are two or three more phases.

Mr. Zondag asked about the Stein Farms Subdivision in Leroy and was told there was no activity to report on it.

- There was a phase two of a subdivision on Townline Road with 21 lots that has been rumored to be starting up again. This subdivision is so old there is no expiration date on the Final Plat.

## LAND USE AND ZONING REVIEW

### Painesville Township – Two Zoning District Amendments from B-2 to R-1, .857 and .973 Acres of Land, Respectively

Mr. Radachy said Painesville Township submitted two cases that the Commission has seen before that are both related.

The first case is the old Casement home office at the corner of Bowhall Road and Madison Avenue. This case came before this Board this year in February. At that time, the property owner was asking the property to be rezoned from B-2 to R-1 so it could be converted into a home. The Zoning Commission discovered some procedural errors and ended up denying the request with the caveat to the owner that they would resubmit it for them. When the Zoning Commission resubmitted it, they also resubmitted the property next door, which is owned by Sidco (R.W. Sidley), which is currently vacant and zoned B-2. This was submitted to change from B-2 to R-1 also. The issues on the original review of this case was that it would also rezone the corner to R-1 on Sidley's property that would need a 50-foot buffer to the residential lot to the east and a 50-foot buffer to the residential lot to the west, which greatly cut down on the amount of land that would be available for commercial development. They talked to Sidley about submitting the second parcel to be rezoned. According to the Township, they

talked to Mr. Sidley about submitting the second parcel and he was indifferent with this being done. If this were to be rezoned, the lot could be split into two pieces with two houses, which would solve the buffering issue.

The Land Use and Zoning Committee recommended rezoning both parcels from B-2 to R-1.

The Comprehensive Plan from 2007 did not address this corner. It has been B-2 since 1955 and nothing has been developed on it. On the corner, the property was used as Casement home offices until 2001 or 2002. This has basically been a vacant building for the last 14 years. No one has shown any interest in wanting to turn it into any kind of commercial use and there is very little commercial activity in the area. The only business developed in the last 14 years was a Dollar General Store and a park in Madison. Everything else in the area has been there since the 1970's. A building that used to be a Lawson's is now an office. There does not appear to be much need for retail in this area. At the other end where Bowhall and Bacon Roads come together, there is a CVS that used to be a grocery store that was closed when Giant Eagle opened their store on the other side of Painesville Township. There is not enough population to support a grocery store here. That whole shopping center is vacant. There are other available commercial areas that more fit the traffic and population of this area.

When questioned by Mr. Zondag, Mr. Radachy stated these properties have enough acreage to build three houses, but there is not enough frontage for three.

Mr. Morse was concerned about the buffer from the property to the north.

Mr. Radachy stated that property exists as commercial. When it was developed, they did not have to provide a buffer. If this land rezones to residential, the property would be grandfathered and not need to provide a buffer.

Mr. Morse had some question of a neighbor talking about putting up a fence.

Mr. Radachy stated that Sidley can remove the fence on the ingress/egress easement onto the other property. He also has an easement on the other side of the neighbor's property. There are a couple different options on that issue.

Mr. Radachy noted that the first zoning change is their zoning case 16ZC12 at 1251 Madison Avenue and the second is zoning case 16-ZC-13, the vacant lot on Madison Avenue.

The Chair decided to vote separately on the two district amendments.

Mr. Flenner moved to accept the Land Use and Zoning Committee recommendation for Painesville Township Zoning Case 16ZC12 to be approved and Mr. Martin seconded the motion.

Six voted "Aye".  
One abstained.

Mr. Zondag moved to accept the Land Use and Zoning Committee recommendation for Painesville Township's Zoning Case 16ZC12 to be approved. Mr. Flenner seconded the motion.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

Mr. Radachy stated there were no reports.

## CORRESPONDENCE

Mr. Radachy stated that he received correspondence from the consultant that is doing an airport master plan for Lost Nation Airport. They asked us to review the maps and submit any comments because they were doing an environmental research on the property. During review of the maps, Mr. Radachy had noticed that they had missed a lot of churches and the Lost Nation Sports Complex in the middle of the airport that is a private recreational facility. He submitted this information to them today.

Ms. Pesec asked if they were keeping it as an airport.

Mr. Radachy said they are planning to keep it as an airport. In order to be eligible for FDA funding, they need to do an airport master plan. They are reviewing the airport to make determinations of their options.

## OLD BUSINESS

There was no old business.

## NEW BUSINESS

Chair Morse stated that there were three reappointments and a new appointment to be made to the Land Use and Zoning Committee. Dr. Aven Malec and Mr. Mark Welch, who has been a member for six terms, wish to continue as Perry Township representatives and have been approved for reappointment by the Trustees. Ms. Lora Diak, who has also been a member for six terms, wishes to continue as Madison Township's representative and has been approved for reappointment by the Madison Township Trustees.

Mr. Radachy stated one membership remained open because Mr. Jerry Klco, who was formerly a Zoning Inspector at Madison Township, opted not to seek reappointment to the Land Use and Zoning Committee because he is no longer with Madison Township. His term was not up when he left his position at Madison Township and we had the ability to expand that Committee from 10 members to 11, keeping his membership at the time and adding the new Zoning Inspector, Chris Bernard to the membership. Now that Mr. Klco's position is up for reappointment, Madison Township suggested that we switch Mr. Bernard from being in an ad hoc position to being Madison Township's actual appointment. Mr. Bernard also is no longer Zoning Inspector because he left to take a job with Lake County. In spite of the fact that they now have a new Zoning Inspector, Mr. Bernard said he would like to continue on the Committee. After talking with Mr. Bernard, Madison Township chose to have him continue as their representative.

Ms. Pesec asked about Frank Walland, who was mentioned in the original memo sent to the Commission.

Mr. Radachy said there was some confusion between staff and the Township about the positions in place so the Township had sent us a resolution saying they appointed Mr. Walland. When we explained what was going on, they asked about Mr. Bernard's position, decided to just have two members like the other townships, and rescinded Mr. Walland's appointment.

Ms. Pesec made the motion to appoint and reappoint all those as stated above and Mr. Valentic seconded the motion.

All voted "Aye".

#### PUBLIC COMMENT

There were no public comments.

Mr. Brotzman wanted to report that after 10 years and two months, the Kimball project as far as concerning him has just about come to a conclusion. The County and the Engineer's Office of Stormwater Management facilitated the purchase of the appropriate pipe. Mr. Hamilton installed the pipe to as good as satisfaction as could have been obtained. The grade is not perfect, but they said they did the best they could. In concession of the fact that for the last 10 years and two months or more it has been plugged up, the County agreed to bring their jet down there and blow the line out of debris that might have lodged in his system during this period.

Mr. Brotzman commented that this problem continued for over 10 years. He was concerned if there was a procedure in place with some agency to oversee that a developer or his subcontractors have not compromised any tile when they do preliminary work such as grading, stumping after they have been given permission so a problem tile can be fixed shortly after a problem occurs and not over 10 years later.

Mr. Radachy said his initial thought would be the Stormwater Department, but the County Engineer is also the drainage engineer. He would have to look into that to give him an answer.

Ms. Pesec wanted to know if there was something in place in the system like a bond where they could fix a tile if it was broken.

Mr. Radachy did not know.

Mr. Radachy said if it is under subdivision clearing, then it is under our jurisdiction. He did not know if we had the ability to have someone go in to field the site. He will have to talk to the Prosecutor to see if there is something we could legally do. He will have to do some research and let the Commission know.

Mr. Brotzman asked if they were bonded when they begin that process and was told no by Mr. Radachy.

Mr. Radachy explained that bonding is permissive. As an example, the Estate of Kallay Farms had their plans accepted today. They could go in and start work on their Subdivision as soon as they do a pre-application conference. Right now, we do not have the ability to bond for that issue. It is a problem and we may need to look into it.

Mr. Brotzman said, in his opinion, drainage is overlooked as an important part of infrastructure.

Mr. Zondag said if drainage is not part of that plan going up front with the rest of the infrastructure, you are in real trouble. You cannot tap drainage into a storm sewer so you have to have a place to put water. If there is no working system in hand, it should at least be brought in as a discussion point because the more we get into the eastern part of the County, tile systems that work well now, will cause problems the second they are cut. Then it is the homeowner versus the developer to fix it.

Mr. Brotzman stated that when he attended the WalMart discussions with Laura Kuhns at the Health District and all the interested parties and principal players, it was discovered that no records of the 14,000 or 15,000 feet of dewatering system installation were retained. Mr. Hadden of the Engineer's Office had stated he was informed by Mr. DeLeone of the Prosecutor's Office that they were not allowed to ask for mapping of a dewatering system. Mr. Brotzman stated that dewatering is a permanent improvement of the site and there is nothing that is kept in the Engineer's records.

Mr. Radachy suggested possibly resurrecting the Subdivision Regulation Committee to decide if that is something that could be addressed in the Regulations. It has been three or four years since we have looked at the Regulations. He and Ms. Jordan had been looking into adding something to mapping and the Committee could also check into seeing how drainage systems could be addressed in the preliminary planning stages.

No action was taken on resurrecting the Subdivision Regulation Committee at this time.

Mr. Zondag moved to adjourn the meeting and Ms. Hausch seconded the motion.

All voted "Aye".

The meeting adjourned at 6:17 p.m.